

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MOUNTAIN UTILITIES, INC., a
Washington corporation,

Plaintiff,

vs.

2011-SIP-2 VENTURE, LLC, a Delaware
Limited Liability Company, as successor-
in-interest and assignee of the Federal
Deposit Insurance Corporation, as
receiver for Bank of Whitman,

Defendant.

2011-SIP-2 VENTURE, LLC, a Delaware
Limited Liability Company, as successor-
in-interest and assignee of the Federal
Deposit Insurance Corporation, as
receiver for Bank of Whitman,

Counter Plaintiff,

vs.

Case No. CV-12-075-LRS

ORDER OF VOLUNTARY
DISMISSAL WITH TERMS

*ORDER OF VOLUNTARY DISMISSAL WITH
TERMS - 1*

1
2 MOUNTAIN UTILITIES, INC., a
3 Washington corporation,

4 Counter Defendant.

5 2011-SIP-2 VENTURE, LLC, a Delaware
6 Limited Liability Company, as successor-
7 in-interest and assignee of the Federal
8 Deposit Insurance Corporation, as
9 receiver for Bank of Whitman,

10 Third Party Plaintiff,

11 vs.

12 RIVERBLUFF LAND COMPANY, LLC,
13 a Tennessee limited liability company;
14 CHRISTOPHER L. HEFTEL and LORI
15 J. HEFTEL, husband and wife the marital
16 community thereof,

17 Third Party Defendants.

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19 Based on the Stipulated Motion for Dismissal on Specified Terms, ECF No.
20 18, presented by the parties, and having reviewed the records and files herein,
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22 IT IS HEREBY ORDRED:

23 1. This action is hereby DISMISSED WITHOUT PREJUDICE to any
24 claims, counterclaims, third-party claims, or defenses of the parties.
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3. The parties shall file their claims, counterclaims, and third-party claims in the state court action pending in Spokane County Superior Court, Cause No. 11-02-04221-3, or in a new action in Spokane County Superior Court, within thirty days of the entry of this Order.

4. Pursuant to 28 U.S.C. § 1367, the periods of limitations for any claims asserted in this action are tolled while the claims have been pending in this case and shall continue to be tolled for a period of no less than thirty (30) days after the entry of this Order.

5. The parties' Stipulated Motion For Dismissal On Specified Terms, ECF No. 18, is GRANTED and this file closed.

Dated this 25th day of October, 2012.

s/Lonny R. Suko

Lonny R. Suko
United States District Court Judge